

Open Letter to the Members of the Bar

**By Hon. John D. Casey, Chief Justice of the Probate and Family Court
May 19, 2020**

It is hard to believe that it has been two months since I wrote my first “Open Letter to the Members of the Bar.” So much has happened during this time. There have been many highs and many lows – from worrying about staff who tested positive for COVID-19, some with very serious symptoms – to being happily astounded by what judges, court staff, and attorneys can accomplish when we work together.

Every day it seems there is another challenge that needs to be addressed, and another decision to make. Often times the decisions need to be made quickly, and with limited information. Sometimes decisions need to be revisited. I can say without hesitation that throughout my time as Chief Justice, and most definitely in the last two months, I have considered the impact of my decisions on the people who will be affected – whether they are attorneys, litigants, or court staff and judges. I have appreciated when people have reached out and offered suggestions and guidance on issues. I ask that you continue to do that.

Throughout the last two months, the Probate and Family Court has been open – first for emergency matters and now for emergency and non-emergency matters that can be handled virtually – whether that be by telephone, videoconference, or on the pleadings. Very early on, the Probate and Family Court examined how other states were holding hearings, and then sought Zoom licenses for every division. We now have the licenses and the judges and staff in each division are being trained. We are pleased with the progress that has been made on this front and expect that this will be a tool that we will continue to use in the future.

Although we are making great progress in operating virtually, access to justice remains a consideration. We have weekly meetings with the Access to Justice Commission to discuss immediate and long-term concerns and how we can address those concerns together. The Access to Justice Commission is working with the Volunteer Lawyers Project and the Trial Court Service Centers to assist pro se litigants. We are working toward finding a way to address the challenge of applying signatures to documents when the documents are being prepared virtually by the Court Service Center, a virtual Lawyer for the Day, or volunteer lawyer. When we have more information about this, we will post it on www.mass.gov and send notice through our list serve.

We have accomplished too much to include everything here. Instead, I highlight below a few initiatives that are of particular importance.

- Standing Order 2 – 20 – Court Operations Under the Exigent Circumstances Created by COVID-19
- Standing Order 3 – 20 – Guardian ad litem Evaluations, Investigations, and Reports in the Probate and Family Court in light of COVID-19 Emergency

- Standing Order 4 – 20 – Order Concerning Email Service in Cases under Rule 5(b) of the Massachusetts Rules of Domestic Relations Procedure
- Temporary Amendment to Standing Order 2 – 16 – Parent Education Program Attendance
- Protocols for every division of the Probate and Family Court
- FAQs
- Open letter regarding co-parenting during COVID-19
- Expanding Pathways case management to Bristol Division
- Virtual Registry in Barnstable, Essex, and Middlesex Divisions
- Working with Suffolk University Law School on guided interviews for forms
- Recall judges hearing Department of Revenue (DOR) child support cases
- Fillable form for restraining orders

As Chief Justice Gants mentioned in his most recent letter, there is still uncertainty. We don't know what the upcoming months will bring. The safety of staff and the public are in the forefront of every decision that is made. Whatever the future holds, I have no doubt we will continue to stand together to ensure that we are doing the absolute best we can to provide justice to the people of this great Commonwealth.

John D. Casey
Chief Justice
Massachusetts Probate and Family Court